S.B. CIVIL WRIT PETITION NO.5673/1994
(Raj. State Electricity Board Jaipur & Anr. Vs.Industrial Tribunal Court, Bikaner.)

Date:- 27.07.2007

HON'BLE MR. RAJESH BALIA,J.

Mr. R.K.Singhal, for the petitioner.
Mr. D.K.Parihar, for the respondent.

Heard learned counsel for the parties.

The petitioner has challenged the award passed by the labour court relating to claim of promotions with effect from back date 1.4.1968 instead from a later date.

Since the matter is pending for a long time, during this period all the affected workmen had either retired or died. Though the award has been joint but each workman was affected individually. The petition against those who had died cannot continue and it must be dismissed as no cause of action survive against their respective legal representatives, who have not even been brought on record. Continuing the petition amongst the remaining workman, who had retired, would raise a possibility of coming into existance contradictory orders. In the same matter in my opinion, in the aforesaid circumstances, proceedings of the writ petition has become infructuous and deserves to be dismissed as such. Accordingly, the same is dismissed.

(RAJESH BALIA),J

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